

January 2012

*The Center for Alternative Dispute Resolution Newsletter
State of Hawaii, Judiciary*



Center for Alternative
Dispute Resolution
State of Hawaii
Judiciary
417 South King Street
Room 207
Honolulu, Hawaii 96813

Phone:
808-539-4ADR (4237)

Fax:
808-539-4416

E-mail:
CADR@courts.hawaii.gov

We're on the Web!
www.courts.state.hi.us/cadr



Using ADR Skills as an International Mediator, Global Activist, and Social Entrepreneur

- a brief summary for those who missed the forum

Presenter Laurence Brahm, a graduate of the University of Hawaii Law School, worked as an attorney restructuring businesses and with banks on reform and sensitive policy issues prior to becoming a professional negotiator in Asia. Mr. Brahm described each negotiation as a story representing one of the thirty-six strategies of psychological warfare attributed to Sun Tzu (*The Art of War*) or Zhuge Liang (*Mastering the Art of War, Northern Expeditions*).

When called in by the US Embassy to resolve a troubled case in China, Mr. Brahm applied the *lure the tiger down the mountain* strategy to facilitate the removal of a corrupt manager and to restore corporate control. The strategy *to catch something first let it go* was used to build economic ties between the People's Republic of China (PRC) and Taiwan. The PRC could have refused Taiwan's request for Lunar New Year flights but instead initiated direct flights without the usual stop through Hong Kong as a confidence building measure. Mr. Brahm discussed how the *tie silk blossoms to the dead tree* strategy was used when he was called into talks after riots in Tibet. Mr. Brahm worked to identify conditions under which a meeting would take place and was able to bring both parties to the table.

Mr. Brahm also discussed his work with the advocacy groups African Consensus and the Himalayan Consensus and the effort to identify clear, specific, core points of agreement to address the problem of climate change. With China taking the lead, India, Brazil, and several South East Asian and African governments agreed to invest in infrastructure and provide tax rebates to support business efforts to provide clean energy.

Finally, Mr. Brahm referenced two additional strategies: *beat the grass to startle the snake* in reference to US troops stationed in Australia, and *if all else fails retreat*, to describe withdrawing from ventures that are no longer successful.